

REMARKS

Claim Rejections

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph. Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Maestri (U.S. 4,174,822).

Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this application.

New Claims

By this Amendment, Applicant has canceled claim 1 and has added new claims 2-3 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art.

The new claims are directed toward a device for preventing short nails of a nail gun from being deadlocked comprising: a nail cartridge (40) having a nail outlet (41); a gun point (30) located on a front of the nail gun and having: a nail inlet (31) bored therein and communicating with the nail outlet, the nail inlet having a slot (33) located on a front portion thereof; a nail guiding surface (32) located on a periphery of the nail inlet; and an accommodating groove (34) communicating with the nail inlet; and a slot sealing member (60) having: an elongated slot sealing portion (61) inserted into the accommodating groove and having a sealing surface (611) located flush with the nail guiding surface, the elongated slot sealing portion being movable between open and closed positions, in the open position the elongated slot sealing portion is removed from the slot of the nail inlet and in the closed position the elongated slot sealing portion is located in the slot of the nail inlet; a vertical connect portion (62) connected to the elongated slot sealing portion; and a pivotal portion (63) connected to the vertical connect portion and having a sliding groove (631).

Other embodiments of the present invention include: an adjusting bolt (64) inserted through the sliding groove, connected to a threaded hole (35) of the gun point, and selectively locking the slot sealing member in one of the open position and the closed position.

The primary reference to Maestri teaches a magazine device including a first side frame (3) and a second side frame (4) connected together by a bolt (16) and spaced apart by a washer (19). A thickness of the washer can be varied to adjust the spacing between the first and the second frames so that the magazine can accommodate nails (12) with or without a nail head.

Maestri does not teach a gun point having a nail guiding surface located on a periphery of the nail inlet; the gun point having an accommodating groove communicating with the nail inlet; a slot sealing member having an elongated slot sealing portion inserted into the accommodating groove; the elongated slot sealing portion having a sealing surface located flush with the nail guiding surface; the elongated slot sealing portion being movable between open and closed positions; in the open position the elongated slot sealing portion is removed from the slot of the nail inlet and in the closed position the elongated slot sealing portion is located in the slot of the nail inlet; the gun point having a vertical connect portion connected to the elongated slot sealing portion; the gun point having a pivotal portion connected to the vertical connect portion and having a sliding groove; nor does Maestri teach an adjusting bolt inserted through the sliding groove, connected to a threaded hole of the gun point, and selectively locking the slot sealing member in one of the open position and the closed position.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Maestri does not disclose each and every feature of Applicant's new claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Maestri cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

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It is further submitted that Maestri does not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Maestri renders obvious any of Applicant's new claims under 35 U.S.C. § 103.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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